

C O N F I D E N T I A L

Central Intelligence Agency



Washington, D. C. 20505

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7 JUN 1985

70-3

MEMORANDUM FOR: Robert Kimmitt  
Executive Secretary  
National Security Council

SUBJECT: Release of Information on U.S. Servicemen  
Still Missing

REFERENCE: 9 April 1985 memorandum, same subject

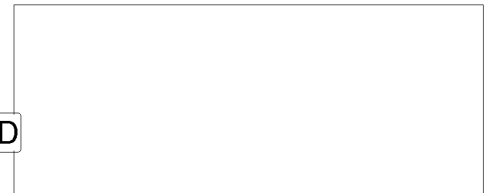
1. This memorandum is being provided as a follow-on to our conversation on this subject. I would like to offer some comments on your 9 April 1985 memorandum, describe briefly how we handle requests for POW/MIAs, and then offer some suggestions for how we might be able to accommodate what appears to be the intent of your memorandum. (U)

2. We have researched our files and collective memories regarding the Department of Defense (DoD) policy and procedure. We discovered that a few officers on the working level in the Agency had only recently become aware of a DoD policy. The CIA, however, was not a party to any discussions preceding the establishment of the DoD policy nor did we receive notice of it accompanied with any announced expectations that we would abide by its provisions. (U)

3. Now let me describe briefly how we handle the typical FOIA request for records concerning POW/MIAs. [REDACTED]

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Mr. Robert Kimmitt

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5. The last paragraph of your memorandum mentions our release of information "before DoD could notify and seek permission from the next-of-kin." The subject of the released information is apparently AF Colonel Charles E. Shelton, the last remaining, officially designated MIA. The CIA reports concerning Col. Shelton were first publicly released in response to an FOIA request in 1978. They have been released a number of times since then, without any difficulties we have been aware of. DoD has known of our previous releases. (U)

6. The Agency is not opposed to changes in the existing procedures. We do need, however, to ensure that our attempts to collaborate with DoD in this matter take into account all of the legal imperatives imposed upon the Agency, as well as, the DoD by the pertinent statutes and executive orders. Toward this end we are prepared to consult with the DoD for the purpose of identifying any problems and resolving the difficulties that may result with our continuing with our current procedures. (U)

signed

Executive Secretary

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DA:LA/OIS  vg (16 May 85, Retyped 5 June 85)

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